

DEC 16 2004

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TO: Commissioner of Patents, Mail Stop AF  
FROM: Karen K. Varley, Registration Number: 45,751  
RE: Serial Number: 09/545,334  
Attorney Docket Number: 0803  
DATE: December 16, 2004 FAX NUMBER: (703) 872-9306  
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 24

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**Transmittal: 1 Page/1 Copy**  
**Petition for Extension of Time: 1 Page/2 Copies**  
**Amendment and Request for Reconsideration: 18 Pages/1 Copy**  
**Request for Continued Examination: 1 Page/2 Copies**

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PTO/SB/97 (09-04)

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45,751

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515-334-6780

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/545,334
		Filing Date	April 7, 2000
		First Named Inventor	Jeffrey E. Habben
		Art Unit	1638
		Examiner Name	S. Baum
Total Number of Pages in This Submission	24	Attorney Docket Number	0803

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Fax Transmission Request for Continued Examination
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm			
Signature	<i>Karen K. Varley</i>		
Printed Name	Karen K. Varley		
Date	December 16, 2004	Reg. No.	45,751

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Signature	<i>Karen K. Varley</i>		
Typed or printed name	Karen K. Varley	Date	December 16, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 09/545,334 Confirmation No. 9587  
Applicant : Jeffrey E. Habben, et al.  
Filed : April 7, 2000  
TC/A.U. : 1638  
Examiner : S. Baum  
Docket No. : 0803  
Customer No. : 27310  
Title : Regulated Expression of Genes in Plant Seeds

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER  
37 CFR §1.116 TO FINAL OFFICE ACTION MAILED JUNE 16, 2004**

Dear Sir:

In response to the Final Office Action of June 16, 2004, Applicants respectfully request that the following amendments be entered and that the following remarks be considered and made of record.

It is submitted that the claims as amended are in condition for allowance and present no new matter.

**STATUS OF THE CLAIMS**

Claims 1-4, 7-8, 10, 17, 20-21, 23, 30, 32-33, 35, 42-47, and 64-65 were examined in the current office action.

Claims 9, 11, 22, 24, 34, 36, 48, 50-52, 54-56, and 58-59 have been withdrawn as reading on non-elected inventions.

Application No. 09/545,334  
Amendment Dated: December 16, 2004  
Reply to Office Action of June 16, 2004

Claims 5-6, 12-16, 18-19, 25-29, 31, 37-41, 49, 53, 57, and 60-63 have been previously canceled.

Claims 7, 10, 20, 23, 32, and 35 are canceled with this amendment.

Applicants reserve the right to pursue canceled claims or claims to withdrawn subject matter in continuation or divisional applications.